

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID K. PORATH,

Plaintiff,

-v-

CITY OF NEW YORK, DIRECTOR, BELLEVUE
SHELTER SYSTEM, and N.Y.S. PAROLE OFFICER
AKANEME,

Defendants.

CIVIL ACTION NO.: 22 Civ. 1302 (JPC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

In response to the letter from Defendants identifying perceived deficiencies in the first amended complaint (ECF No. 42 (the “FAC”)) filed by Plaintiff David K. Porath (“Mr. Porath”) (ECF No. 54), the Court directs as follows:

1. By **Friday, April 21, 2023**, Mr. Porath shall file a letter advising the Court whether he intends to stand on his FAC, or seeks permission to file a second amended complaint (the “SAC”) addressing the deficiencies Defendants have raised.
 - a. If Mr. Porath intends to stand on his submission, the Court will permit Defendants leave to file a motion to dismiss the FAC.
 - b. If Mr. Porath intends to file the SAC, the Court will afford Defendants an opportunity to consider the new allegations and state whether they intend to move, answer, or otherwise respond to the SAC.

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Porath at the address below.

Dated: New York, New York
March 22, 2023

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge

Mail To: David K. Porath
ID#349220-4000
Robert N. Davoren Complex
11-11 Hazen St.
E. Elmhurst, NY 11370